
Introduced by Senator Hollingsworth

February 18, 2005

An act to amend Section 6 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 511, as introduced, Hollingsworth. County water authority: board of directors.

Existing law, the County Water Authority Act, requires the board of directors of a county water authority to consist of at least one representative appointed by each public agency, the area of which is within the authority. The act establishes the procedures pursuant to which additional directors may be appointed to the board, and prescribes the terms of, and manner of voting by, the directors.

This bill would make technical, nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6 of the County Water Authority Act
- 2 (Chapter 545 of the Statutes of 1943) is amended to read:
- 3 Sec. 6. (a) All powers, privileges, and duties vested in or
- 4 imposed upon any authority incorporated under this act shall be
- 5 exercised and performed by and through a board of directors. The
- 6 exercise of any and all executive, administrative, and ministerial
- 7 powers may be delegated by the board of directors to any of the
- 8 offices created by this act or by the board of directors acting
- 9 under this act.

(b) The board of directors shall consist of at least one representative from each public agency, the area of which is within the authority. The representatives shall be designated and appointed by the chief executive officers of those public agencies, respectively, with the consent and approval of the legislative bodies of the public agencies, respectively. Any member of the governing body of a member agency may be appointed by that member agency to the board of the authority to serve as the agency's representative. A majority of the members of the governing body of an agency may not be appointed by the agency to serve as representatives on the board of the authority, and, for a member agency that is not a water district, only one of the representatives of that agency may be a member of the governing body of the agency. Any director holding dual offices shall not vote upon any contract between a county water authority and the member public agency he or she represents on the authority's board. As used in this subdivision, "water district" has the same meaning as in subdivision (a) of Section 10.

(c) Members of the board of directors shall hold office for a term of six years, and until their successors are appointed and qualified. However, the terms of the members of the first board shall be determined by lot so that the terms of not less than one-half of the members shall be three years and the terms of the remainder shall be six years. Every member shall be subject to recall by the voters of the public agency from which that member is appointed, in accordance with the recall provisions of the freeholders' charter or other law applicable to the public agency. Notwithstanding that representatives are appointed for a fixed term of years, members of the board of directors serve at the will of the governing body of the public agency from which the member is appointed and may be removed by a majority vote of the governing body without a showing of good cause.

(d) In addition to one representative, any public agency may, at its option, designate and appoint one additional representative for each full 5 percent of the assessed value of property taxable for authority purposes which is within the public agency. However, the term of office of any representative shall not be changed or terminated by reason of any future change in the assessed value of property within any member agency.

(e) Each member of the board of directors shall be entitled to vote on all actions coming before the board and shall be entitled to cast one vote for each five million dollars (\$5,000,000), or major fractional part thereof, of the total financial contribution paid to the authority that is attributable to the public agency of which the member is a representative provided that no public agency shall have votes that exceed the number of the total votes of all the other public agencies. A public agency with more than one representative shall have the option, by ordinance, to either require its representatives to cast all of that agency's votes as a unit, as a majority of the representatives present shall determine, or to entitle each such representative to cast an equal share of the total vote of such agency. A copy of the ordinance shall be delivered to the secretary of the board of directors. The affirmative votes of members representing more than 50 percent of the number of votes of all the members shall be necessary, and except as herein provided, sufficient to carry any action coming before the board of directors. If the public agency member having the largest total financial contribution to the authority has more than 38 percent of the total financial contribution to the authority, the affirmative votes of members representing more than 55 percent of the number of votes of all the members shall be necessary, except as herein provided, to carry any action coming before the board of directors. Any meeting may be adjourned, continued, or recessed from day to day or from time to time, by vote of the director or directors present, regardless of the number of directors present.

(f) For the purposes of this section, "total financial contribution" includes all amounts paid in taxes, assessments, fees, and charges to or on behalf of the authority with respect to property located within the boundaries of member public agencies, including, but not limited to, standby charges, capacity charges, readiness to serve charges, connection and maintenance fees, annexation fees and charges for water delivered to member public agencies by the authority excluding the cost of treatment for the water. The total financial contribution shall be determined by the board of directors at the end of each fiscal year. Allocation of voting power shall be reestablished by the board of directors on January 1 of each year based upon the calculation determined for the previous fiscal year.

(g) Subject to confirmation by his or her public agency, a member of the board of directors may designate another member of the board of directors to vote in his or her absence. The designation and the confirmation shall be by a written instrument filed with the authority. If a director will be absent and wishes the designee to cast the vote, a written notice shall be filed with the secretary of the board of directors. If the notice is not received by the authority, the vote of the absent director will not be counted. The designation, confirmation, and notices shall be maintained on file with the authority. The designation may be changed, from time to time, with the confirmation of the representative's agency. The designation shall not direct how the absent representative's vote shall be cast on any matter. Directors from a public agency represented by more than one director shall be deemed confirmed as designated representatives to vote for absent directors from that public agency. This section does not apply to a public agency that has exercised the option under subdivision (e) to cast all of that agency's votes as a unit.

(h) Notwithstanding subdivision (f), the total financial contribution and the vote of each member public agency of the San Diego County Water Authority as of July 1, 1997, shall be as follows:

AGENCY	Total Financial Contribution July 1, 1997	VOTES
Carlsbad Municipal Water District	\$129,787,887	25.96
City of Del Mar	13,712,188	2.74
City of Escondido	128,929,059	25.78
Fallbrook Public Utilities District	116,801,107	23.36
Helix Water District	356,506,629	71.30
National City	45,046,563	9.01
City of Oceanside	192,690,117	38.53
Olivenhain Municipal Water District	73,733,684	14.75
Otay Water District	146,294,367	29.26
Padre Dam Municipal Water District	142,768,644	28.55
Pendleton Military Res.	10,921,265	2.18
City of Poway	82,602,257	16.52
Rainbow Municipal Water District	194,841,500	38.96

1	Ramona Municipal Water District	65,220,318	13.04
2	Rincon Del Diablo Municipal Water		
3	District	69,024,271	13.80
4	City of San Diego	1,864,642,414	372.97
5	San Dieguito Water District	51,831,643	10.37
6	Santa Fe Irrigation District	64,860,359	12.97
7	South Bay Irrigation District	139,063,067	27.81
8	Vallecitos Water District	64,994,093	13.00
9	Valley Center Municipal Water District	243,877,685	48.77
10	Vista Irrigation District	118,493,448	23.70
11	Yuima Municipal Water District	15,146,776	3.03
12	TOTALS:	\$4,331,789,341	866.36

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14 (i) The total financial contribution for the San Diego County
15 Water Authority shall be determined by the board of directors as
16 of the end of each fiscal year by adding the total financial
17 contribution of each agency for the fiscal year to the totals
18 provided for in subdivision (h) establishing the total financial
19 contribution as of July 1, 1997. Allocation of voting power shall
20 be reestablished by the board of directors to be effective on
21 January 1 of each year based upon the calculation determined for
22 the previous fiscal year. In addition to the definition in
23 subdivision (f), “total financial contribution” shall also include
24 all amounts paid in taxes, assessments, fees, and charges paid to
25 or on behalf of the Metropolitan Water District of Southern
26 California with respect to property located within the boundaries
27 of member public agencies including, but not limited to, standby
28 charges, capacity charges, readiness to serve charges, connection
29 and maintenance fees, annexation fees, and charges for water
30 sold to member public agencies by the authority excluding the
31 cost of treatment for the water.

32 (j) Members of the first board of directors so constituted shall
33 convene at the call of the clerk of the board of supervisors in the
34 meeting room of the board of supervisors at the county seat of
35 the county, and immediately upon convening, the board of
36 directors shall elect from its membership a chairperson, a vice
37 chairperson, and a secretary, who shall serve for a period of two
38 years, or until their respective successors are elected and
39 qualified.

1 (k) A quorum necessary for the transaction of business at any
2 meeting of the board of directors exists whenever there are
3 present at the meeting a majority of the membership of the board
4 of directors that includes at least one-half of the number of
5 representatives of each public agency member having more than
6 six representatives serving on the board of directors. Designees
7 appointed pursuant to subdivision (g) shall not be considered
8 “present” for the purposes of establishing a quorum. However,
9 any regular or special meeting of the board of directors at which
10 a quorum is not present may be continued from time to time until
11 a quorum is present to transact the business of the board of
12 directors.